

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**DEMEIA JOHNSON, ET AL.,**

**Plaintiffs,**

**v.**

**UNION PACIFIC RAILROAD  
COMPANY,**

**Defendant.**

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**CIVIL ACTION NO. 6:17-CV-00653-RWS**

**ORDER**

On November 29, 2018, the Parties jointly moved this Court to appoint a Guardian Ad Litem and a Magistrate Judge in order to approve a settlement agreement regarding claims brought on behalf of minors. (Doc. No. 135.) On December 7, 2018, Judge Schroeder referred this case to the undersigned. (Doc. No. 136.) After due consideration, the Court appoints the following Guardian Ad Litem:<sup>1</sup>

Debra Gunter  
Findlay Craft, PC  
102 North College Avenue, Suite 900  
Tyler, TX 75702  
State Bar No. 24012752  
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<sup>1</sup> Federal courts sitting in diversity look to state law with respect to settlement of a minor's claim. *St. John Stevedoring Co. v. Wilfred*, 818 F.2d 397, 400 (5th Cir. 1987); *Webb v. Paccar Leasing Co.*, No. 4:09CV211, 2009 WL 1703207, at \*1 (E.D. Tex. June 18, 2009). Texas law instructs, "[t]he court must appoint the same guardian ad litem for similarly situated parties unless the court finds that the appointment of different guardians ad litem is necessary." Tex. R. Civ. P. 173.2(b). The Court held a status conference on December 12, 2018 and inquired whether the Parties believed multiple guardians ad litem are necessary. Neither Party indicated that multiple guardians ad litem are necessary, nor does the Court find it necessary. Accordingly, the Court appoints the same Guardian Ad Litem with respect to all minors.

The Guardian Ad Litem is **ORDERED** to prepare a report to be filed with the Court under seal by **January 17, 2019**, stating her position as to whether the proposed settlement is in the best interest of the minors. The report must also include a recommendation as to the Guardian Ad Litem fee, which Party should pay it, and whether these matters are agreed. If they are not agreed, the report must state who is opposed and why.

The Court **FURTHER ORDERS** counsel for the Parties and the Guardian Ad Litem to attend a settlement hearing at **2:00 PM on Thursday, January 31, 2019**.

**So ORDERED and SIGNED this 12th day of December, 2018.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE